

REMARKS**Introduction**

In response to the final Office Action dated August 7, 2008, Applicants have amended claims 1, 4, 5, and 8. In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicants request entry of this Rule 116 Response. Support for amended claims 1, 5 and 8 is found in, for example, Figs. 15 and 21 and the corresponding written description. Dependent claim 4 has been rewritten into independent form including all of the limitations of amended claim 1. There are no new issues presented. As will be explained below, the claim amendments place the application in condition for allowance. Moreover, the Manual of Patent Examining Procedure sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Entry of these claim amendments is respectfully requested.

Claim Rejection Under 35 U.S.C. § 102

Claims 1, 2, 4, 7 and 8 are rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 6,148,130 to Lee et al. (“Lee”).

Applicants traverse.

An aspect of amended claims 1 and 4 is a plurality of position limiting portions limiting a plurality of positions of the plurality of optical fibers. Another aspect of amended claims 1 and 4 is providing position limiting portions on at least one of the adhesive layer and the base layer.

An aspect of amended claim 8 includes position limiting portions that are provided on at least one of the adhesive layer and the film base.

Turning to the cited prior art, Lee states in col. 4, lines 13-17:

Fig. 5 illustrates a method of stripping a cable assembly such as cable assembly 10. To strip protective coating 16 from conductors 14 in cable assembly 10, the cable assembly is *cut* along center mark 18 as illustrated in Fig. 5A (*emphasis added*).

Figs. 5A, 5B, 8A, and 8B of Lee depict their respective cutting steps. Lee fails to disclose or infer a plurality of position limiting portions limiting a plurality of positions of the plurality of optical fibers, as required by amended claims 1 and 4. Lee fails to disclose or infer that the position limiting portions are provided on at least one of the adhesive layer and the film base, as required by amended claim 8.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that “inherency may not be established by probabilities or possibilities,” *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int’l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Lee does not anticipate amended claims 1 and 8, nor any claim dependent thereon. The dependent claims are allowable for at least the same reasons as claims 1 and 8.

Claim Rejections Under 35 U.S.C. § 103

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee as applied to claim 1 above, and further in view of U.S. Patent No. 5,253,318 to Sayegh et al. (“Sayegh”).

Claim 3 depends from claim 1 and includes all of the features of that claim plus additional features, which are not taught or suggested by the cited references. Therefore, for at

least these reasons, it is respectfully submitted that claim 3 is also patentably distinguishable over the cited references.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,295,400 to Shahid in view of Lee.

The Office Action contends that Shahid discloses a film for a tape core assembly including a flexible film (2 or 3) capable of integrating a plurality of optical fibers as a tape and a plurality of position limiting portions where the pitch of the arrangement of the position limiting portions at one end is different from the pitch at the other end of the flexible film. The Examiner contends that the plurality of position limiting portions correspond to an adhesive disposed in between adjacent optical fibers and are inherently position limiting portions. The Office Action acknowledges that Shahid does not disclose that the flexible film further comprises an adhesive layer where the optical fibers are compression bonded to the flexible film and the adhesive layer is interposed between the optical fibers and the flexible film. The Office Action relies on Lee in an attempt to cure the admitted deficiencies of Shahid.

Contrary to the Examiner's assertions, the position limiting portions of Shahid correspond to grooves 60 of a guide cylinder 50 whose pitch varies in its longitudinal direction. The grooves of Shahid are part of the apparatus that produces the optical fiber ribbon, not part of a film for a tape core assembly. Shahid fails to disclose or suggest, at a minimum, "...a plurality of position limiting portions limiting a plurality of positions of said plurality of optical fibers," as required by amended claim 5.

As for the deficiency, in Lee, an adhesive tape is applied over the optical fiber cores. Contrary to the Examiner's assertion, the claimed flexible film is *distinct* from the claimed adhesive layer. Lee is *silent* regarding a **separate** flexible film. Although not relied upon to do

so, Lee fails to disclose or infer a plurality of position limiting portions limiting a plurality of positions of the plurality of optical fibers, as required by amended claim 5. Lee fails to disclose or suggest, at a minimum, "...a plurality of position limiting portions limiting a plurality of positions of said plurality of optical fibers," as recited in amended claim 5. Thus, Lee fails to cure the deficiencies of Shahid.

As Shahid and Lee do not disclose the same film for a tape core assembly as disclosed by the present inventors, and even if combined still fail to disclose or suggest the elements recited by amended claim 5, the combination of Shahid and Lee does not render the film as recited by amended claim 5 obvious.

Claims 9-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shahid.

Dependent claims 9-14 are allowable for at least the same reasons as their respective base claims, and further distinguish the claimed ribbon-like optical fiber core assembly and method of producing the fiber core assembly.

Withdrawal of the foregoing rejections is respectfully requested.

Conclusion

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

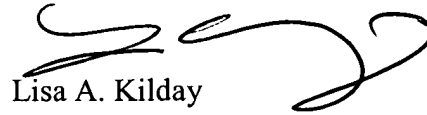
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

10/525,093

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Lisa A. Kilday
Registration No. 56,210

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BPC:LAK:lnm
Facsimile: 202.756.8087
Date: November 7, 2008

**Please recognize our Customer No. 20277
as our correspondence address.**